

THE DALLAS WEEKLY HERALD

P. P. ELLIOTT & HALL.

Entered at the Post-Office at Dallas, Texas, a Second-Class Matter.

OUR CIRCULATION.

The following speaks for itself, without comment from ourselves:

OFFICE DALLAS HERALD,
January 4, 1881.

A. M. Cochran, Esq., Postmaster, Dallas.

Dear Sir:—Herewith enclosed we hand you one hundred and twenty-five dollars and seventy cents, amount due for postage of the Dallas Herald for last month.

We would thank you, if possible and convenient to you, to furnish us the information as to the comparative circulation of the Herald as against the other papers of North Texas.

Very respectfully,
P. P. ELLIOTT & HALL.POSTOFFICE, DALLAS, TEXAS,
January 4, 1881.Messrs. P. P. Elliott & Hall,
Gentlemen:—In reply to yours of even date, I can only state from the best sources of information at my command, that the postage paid by the Dallas Herald and Weekly Herald is in excess of that paid by all other papers in North Texas combined.Very respectfully,
A. M. COCHRAN, Postmaster,
Post Office, Dallas, Texas.

We have received a copy of Bryant's Texas Almanac and Railway Guide, for which we return thanks. It is full of interesting matter and valuable information for the public.

Professor Ties said yesterday would be comparatively one of the coldest days of the month. We don't think it was. He says that for to-day there will be a rising barometer, falling temperature, clear or fair weather, and quite cold if heavy storms have occurred. From to-day to the 28th there will be falling barometer, rising temperature, clouding, threatening weather with rain or snow storms.

The Miners' Courier goes out of its way to injure the Herald, and entirely without cause. It says: "The lodge of American Legion of Honor, at this place, anticipated giving a grand ball on the 24th inst. They sent their order for tickets, invitation cards, etc., to the Dallas Herald, and a nice job they got, too. The people are invited to attend a ball on the 24th of February, 1880, and names appear on the committees that were never heard of before in these parts, while the names of others appear in more than one place on the same committee. We are inclined to the belief, however, that old 'Mother Shipton's' prophecy had something to do in the matter. The Herald, no doubt, thought there would be a better turnout if the 'documents' were dated back so as to give the dancers twelve months to repeat it." Of this very job the Herald is in receipt of a letter from the chairman of the ball committee of arrangements, Mr. Leon J. Levy, under date of Feb. 21st, 1881, the postscript to which is in these words: "The job you sent me was admired for its nice workmanship." If the ball committee was satisfied with the work, and it was complimented for the fine workmanship it displayed, why should the Courier have anything to say about it?

We always feel interested in anything that may be said or done about the improvement of the navigation of the Mississippi river. There is such a vast area of territory dependent upon this river and a territory too the very richest in products to be found in the entire union, and there is always so much opposition from certain sources to the Mississippi that we don't think too much can be said in its behalf, therefore we endorse the following from the New Orleans Democrat: "There seems to have been much unnecessary alarm in the national house of representatives growing out of the belief or fancy that the appropriation asked for the improvement of the Mississippi river was intended to cover some scheme to construct levees pure and simple and for the benefit exclusively of the people who dwell on the lower river. This was an absurd idea and utterly without foundation, but it gave the enemies of the south and the opponents of the internal improvement policy an opportunity to object to the appropriation and to make many bitter and hostile speeches." The Mississippi river commission never dreamed of building levees with the appropriation recommended by them, except in so far as they might be necessary to carry out their well-considered plan for improving the channel of the river in the interests of commerce, and it is gratifying to note that so soon as this fact, which ought to have been pointed out from the first, was made manifest to the house by the speeches of General Gibson and others, there was a ready acquiescence in the appropriation, which was adopted without serious opposition. The \$1,000,000 which is thus secured to the river is insufficient for all practical purposes, during the current fiscal year, and will enable the commission to successfully inaugurate the great work of making the Mississippi river what it should be, a deep and safe commercial highway for the nation throughout the entire year. We anticipate no difficulty in passing the bill through the senate and regard the matter as definitely settled. General Gibson, Mr. Robertson, Mr. Ackles, and in fact all of our representatives deserve great credit for the energy and persistency with which they have pushed this most important matter to a successful issue, and in the name of the people of Louisiana we thank them. New Orleans and our state must necessarily reap great advantages from an improved river, for the deepening of the channel will not only enable us to handle the enormous grain products of the west, but will in the not distant future enable us to dispose with levees, nearly, if not quite altogether. An improved river means cheap transportation for the great west and southwest and we shall yet see the current of trade which was directed to the coast by the railroads, turn down the Mississippi and New Orleans to the great city she was destined to be.

RAILROADS.

The condition of the railroads in this state at this time is attracting general attention, and no little is being said by the press and the public to their detriment. That the roads are in bad shape no one can deny, and it is natural that there should be grumbling and complaining; but there are two sides to every question. We have had an unprecedented winter. Never before in the memory of any man in Texas have we had such continuous cold and rainy weather. We have had perhaps colder spells, always short ones, but never before so much of rain, sleet and snow. From some time in October up to this time, it has rained or snowed or sleeted every week and almost every day. The consequence has been ruinous to railroad beds and it has prevented repairs from being done. The railroad managements in the state have, in a great measure, been powerless to help themselves. The unusual and wonderful prosperity of the country, every interest being in a flourishing condition, money being plentiful and capital seeking investment everywhere and in all directions, railroading enterprises have kept pace with the times, and everywhere throughout the entire country old lines of railroad are being extended and building branches, while new ones have sprung into existence and all are being crowded through. What has been the consequence? Every foundry, rolling mill and machine shop has been pushed to its utmost capacity, and with a full quota of hands is running day and night, and this has been the case for more than a year, and there is not one of them that has not orders ahead for eight, or ten, or a dozen months. We know that the Texas & Pacific ordered forty new engines for its road, contracting for them to all be finished last August, and it has only been able, up to this time, to get twenty-five of those engines. Out of five hundred tons of steel rails to have been delivered last October, it succeeded in getting four hundred tons, although four months have passed since the time they were to have been delivered. The Texas & Pacific and the Houston & Texas Central have both been and are still extending their lines. They are going out into the great northwest, penetrating a splendid region and opening it up to population and to cultivation. They are bringing us people to settle our waste places, and doing more than any other organization to increase the wealth of the state and build it up commercially. Well, the "Sunset route" and the International roads are extending their lines, too, toward the Rio Grande and are opening up the west. When we remember these facts, and consider the terrible weather we have had, and the further fact that here in Texas we have not the material with which to make first-class railroad beds, we ought to make some allowance for the railroad men. Railroad men, the gentlemen who have their money invested in railroad enterprises and who manage and control them, are universally gentlemen of ability, of character, of first-class business habits. They are invariably of the pushing, moving, energetic, thinking practical men of the country, and we may reasonably know that they are not going to sit quietly in their offices and let their roads go to utter ruin, just from pure carelessness and heedlessness. Railroad men have hard money sense, and no one knows better than they do that it doesn't pay to have locomotives and passenger and freight cars smashed up into scrap iron and kindling wood, to say nothing of the worry and expense and cost of damage suits. Men who own railroads don't build them and run trains for fun or glory, but to make money, and it is to their interest to save their engines and their cars and to protect their passengers from hurt, and if they could help it, there would not be a mile of bad railroad track in Texas. The roads cannot get the material for repairs, the engines nor the cars as fast as they need them; and while we can deplore the frequency of wrecks, and the delays in mails and in travel, we ought to make some allowance for the railroad companies, remembering the exigencies of the times, and the difficulties they have to meet and combat.

The Louisville Courier-Journal discussing the railroad condition of the south, says: "In 1876 a new spirit entered into the southern people, and freedom from negro domination was marked by a rapid increase of agricultural products. Still, in every part of this section there was a lack of transportation facilities; the different lines of road were isolated, disconnected, badly equipped, slow and expensive. Freight and passenger traffic was limited and embarrassed by a condition of affairs ten years behind what existed in the north. There were dangers, no doubt, to be feared from the vast aggregation of capital such as we witness in the Pennsylvania system, the Vanderbilt or the Louisville combinations. These we have yet to deal with. But there is expense, danger, delay and embarrassment innumerable in a condition of affairs such as existed before the railroads in the south began to crystallize. Slowly a system emerged, and then came multiplied. The plans which, by their success, have won popular applause, were beset by numerous difficulties, with even chances of success and failure."

EAGER TAX-PAYERS.

A moment's survey of the county collector's office yesterday, served to convince us that business in that department was on the increase, in fact was at its highest ebb. The office was thronged with such a large number of people, that in order to prevent confusion, a register was provided, in which each taxpayer registered his name and was called on in the order in which he came. More than eleven hundred persons have paid during the present week, and the collector has now average over \$5,000 per day. Owing to the approach of the time when taxes are due, a rushing business is predicted until the close of the present line, we are informed, will be as large as was anticipated a few weeks ago.

A number of people left yesterday for New Orleans and Galveston to attend the Mardi Gras festivities.

GENERAL PRESS REVIEW.

The New York World well says:

If President Garfield, in his inaugural address on the fourth of next month, shall touch a sound American keynote in the foreign policy of his administration respecting Mexico, the West Indies and the isthmian crossing, he will simply electrify the nation. We need more "Young America" in our foreign diplomacy. It is high time to set up the American flag where it can see it and understand what it means on the shores of the Gulf of Mexico. To that end the old democratic ideas about national expenditures for national improvement of the navigation of the Mississippi and its tributaries must be applied by congress. The country must return to and enforce an application of the democratic ideas about internal improvements, expounded in annual and special messages to congress by the last really democratic administration before the civil war, when Mr. Lincoln in the state department, and Mr. Seward at the head of the treasury, and Davis in the war department set on foot at the public expense the surveys for the Pacific railways.

The New Orleans Democrat evidently thinks something ought to be done to prevent tramping, but doesn't seem to favor the New Jersey plan. It says:

The New Jersey tramp law makes tramps criminals, and they are locked up in the county jails. As, however, it does not compel them to work there, it is just what the tramps are eager for, and they are pouring by thousands into the state. There are sixty to each county now, and more coming in. The people of the central portion of the state are growing over the burden, and declare that they will be bankrupted to support the tramps unless the legislature can do something to relieve them.

The Memphis Appeal is clearly in favor of women's rights, judging from the following:

The women of Boston, undismayed by the opposition so far manifested to woman's suffrage, continue their battle for what ought to be conceded to them as a birthright. They write and speak, forcibly and earnestly, and since they cannot lobby they give receptions to influential representatives and officials. The latest reception by them was given to the governor and the general assembly, at the residence of Mrs. Fennell Tudor, on Beacon street, on Wednesday evening last. The hostess was assisted by Miss Dean Cheney, Mrs. Henry Stone, Miss Dean Cheney, and Mrs. Henry Stone, and filled by some three or four hundred guests, who passed in and out during the evening. Over cake and coffee the question at issue was mainly discussed. The desired result must come on this track.

The New York Evening Express says:

The republican managers in Washington are evidently manœuvring for an extra session of congress. Their grounds for desiring it are obvious enough. It is plain that they will be in a much better condition to organize the house and get things in order to their minds now than next December, when the new administration will have disposed of its patronage, to the keen and bitter disappointment of scores of active republican workers. Then the lines will be drawn, the administration will have shown its hand and indicated its policy, and while there is rejoicing among the favored men whom it has provided for on the inside, there will be weeping and gnashing of teeth without. Plainly the republican managers hardly dare to wait nine months before effecting an organization, lest the factions within the party begin their work, and the era of good feeling they want to preserve will end in worse divisions than it has been invoked to heal. They also hope to take advantage of the work done by the present congress, and get the credit of passing measures already matured. For these and similar reasons there is likely to be a good deal of republican filibustering for the next ten days. But whatever may be the motives of the new congress at the beginning of the term of the new administration has much to recommend it, and deserves candid consideration. The members elected in November, 1880, certainly ought to enter on their active duties before December, 1881, more than a year after they were chosen, when the issues on which they were elected have been partly forgotten. Moreover, the new congress ought to organize as soon as possible after the old one has expired. The committees should be appointed so that their members may know their special duties, and may prepare to discharge them for the public advantage. It is well that the members, many of whom are new men, should meet and become acquainted, and look their new duties in the face. And it is also well for the country to learn at the beginning what policy the administration will propose, what materials congress is made of, and what the country is to expect from the general government. The plan of continuing the new congress in the spring, for organization, and the letting out of work has everything to be recommended, and it ought to be elevated into a rule. The cost to the country is a mere trifle in comparison with the general advantage that would accrue from it. Congressmen are paid by the year, and their whole time belongs to the people. A great deal of silly criticism is vented on the discussions of the two houses; this is what they meet for. It is part, and an important part, of their business. Congressmen are chosen to debate and discuss measures of public policy. And their debates contribute to the political education of the country. And the sooner these debates begin, the sooner the time congress will have to shape measures in a wise and satisfactory way.

The Philadelphia Times has no patience with or respect for the senseless crusade being waged by the national banks against the funding bill. The fact is these bankers think they run the country, and the sooner they are informed of the fact that they do not better. The Times says:

There is no reason to doubt that the funding bill, as perfected by the senate, will become a law this week and go into operation forthwith. Its provisions are based on the present condition of the country, and are based on those that must enter into all legitimate financial calculations. It was not conceived in haste or passed in a hurry. It underwent the severest scrutiny in the house and senate, but comes forth the result of the most mature consideration of men abundantly enlightened by past experience. The extraordinary unanimity of the senators on the final vote, involving the conversion of many whose first impulses had been adverse to so low a rate as three per cent., is a testimony to the wisdom and a guarantee of the success of the measure. For if it recommended itself to the sober judgment of those who at first doubted its expediency, there is no reason to suppose that any other more stringent can be encountered in the country, save where unpatriotic self-interest may be affected. In the present form the bill is at once a recognition of our standing as a nation, and an appeal to the patriotism as well as self-interest of the country, by placing our credit on a plane with that of any borrowing nation in the world. But the basis of the bill is not fixed upon commercial considerations alone. The framers of the measure kept in sight the broader fact that under the existing conditions of things the three per cent. rate really equals the higher interest

paid under other and adverse circumstances. Three per cent. to-day is a better rate than five or six, at a time when our credit was an unknown quantity in the problem and the possibility of ever paying capital or interest was contingent upon our ability to put down a colossal rebellion with one arm and ward off the coalition of Europe with the other. But the popular faith in our resources, the patriotic instinct of the people, the sense of duty, in the face of legislation and dismay in quarters where their acceptance seemed a contingent upon their success, it is not trusting too much to popular intelligence, popular patriotism or popular appreciation of self-interest to assert that the same elements may be trusted in the present emergency to protect our credit and relieve the government of the heavy burdens entailed by the war.

The opposition manifested against the provisions of the bill during the long debate in the house developed no sound argument against the fundamental principle of the bill. The effort to arouse the hostility of the banks failed from the first. The drift of the discussion discovered only a partisan purpose to delay the measure until another party should be in power to deal with it. The most vehement opposition, however, manifested itself on the part of men who took their argument, in a great part, from the intemperate outcroppings of presses believed to be in the employ of notorious fomenters of corporation schemes. The differences of opinion in the senate, while devoid of hostility to the special pleading of the house, did not display the well-grounded convictions of economical research.

RAILROAD TRAVELING AGENTS.

The County Court Decides They are Not Subject to the Drummers' Tax.

The reporter made mention last week of an important case on trial in the county court and to-day gives Judge Burke's decision on same. Messrs. Jaff Thompson, P. R. Rodgers, J. B. Merrifield, M. L. Hayden, J. A. Wilson, D. C. Brady, Gaston Mosler, R. R. Robbins, T. S. Spear, T. D. Russell, H. P. Hughes, S. O. Hennemanway, J. T. Hogan and other representatives of various railroad lines, were under the drummers' tax law, which has been thought to include every solicitor of business. It was of great importance to the roads as an adverse decision would have forced the payment of a heavy annual tax.

Messrs. Morgan & Gibbs represented the foreign lines, and Mr. Foster, of Denison, the Missouri, Kansas & Texas and Missouri Pacific railroads. Very able arguments were made on the proper construction of the statute; and Messrs. Morgan & Gibbs and Foster reviewed the history of its passage to show that its enactment was in the interest of wholesale merchants at home, and could not have been intended for railroad agents.

JUDGE BURKE'S DECISION.

The State of Texas vs. J. R. Merrifield, in county court, Dallas county. The defendant in this case was indicted by the grand jury of Dallas county on the 10th day of November, 1880, as a "drummer and solicitor of trade," alleging that "as such he solicited business and trade, and passengers and travel for the Ohio & Mississippi railroad company in Dallas county without first having paid the tax levied by law upon said occupation of drummer and solicitor of trade," etc., etc. The defendant by attorney files his motion to quash on the grounds, 1st. That the bill does not charge any offense under the statutes of the state. 2d. That the statute under which the defendant stands charged is unconstitutional and void. This motion involves the construction of that portion of Art. 4655 revised statutes, relating to what is commonly denominated the "drummers' tax." This article provides that "an annual occupation tax of two hundred dollars shall be collected from every commercial traveler, drummer, salesman or solicitor of trade by sample or otherwise, provided that such person shall not be required to pay the same if the person, firm, or association of persons represented by him, or for whom he is soliciting trade shall have paid a merchant occupation tax of \$20.00." After adding other provisions, it concludes by declaring that "a merchant in the meaning of this act is any person, firm, or association of persons engaged in buying and selling goods, wares and merchandise of any kind whatsoever." The question then presents itself, is the defendant a representative of such "person, firm, or association of persons" as comes within the meaning and intent of the legislature, and upon whom an occupation tax of \$200 has been levied? In 12 Texas, 402, Chief Justice Hamhill, in speaking of the construction to be given to statutes by the legislature is to be deduced from the whole and every part of a statute when considered together, that when a word is used and not explicitly intended is to be collected from the creation and necessity of the law and from the mischief and objects and remedy in view, and the intention is to be presumed according to what is consonant to reason and good construction.

In 15th Texas, 829, Judge Wheeler says: "Where words are very general it is the duty of courts to construe the act with reference to the history, so as to avoid absurdity and give effect to the well-known meaning and intention."

What then was the true intention of the legislature in imposing this tax? What is the history of the act?

Our state merchants were compelled to pay not only their ad valorem tax, but in addition an occupation tax, and at the same time compete with merchants from other states represented by drummers, commercial travelers, etc., who contributed absolutely nothing to the support of our state government. To remedy in part this injustice and place the merchants of Texas upon at least equal terms with those from other states, the legislature passed the "drummers' tax law." A careful reading of the act will, it seems, convince anyone that it relates alone to merchants in the general acceptance and meaning of the term, and that the true intent and meaning of the legislature was to regulate and equalize taxation upon this class.

To hold railroad corporations in this or other states or the agents of such soliciting passengers or trade over their respective lines to be merchants within the meaning and purpose of this act, would, in the language of Judge Wheeler, not "avoid absurdity." It is not perceived how even the most strained construction of the act could embrace the class. For the reason that the law does not charge an offense against the agents of the state the motion to quash is sustained and case dismissed.

A Young Gymnast.

Joe Bruner, a colored lad, while in a tree yesterday evening near the old cemetery, fell and fractured one of the lower bones of his right arm. There were a number of boys playing around on the ground highly elated at the gymnastic performance he was giving them, and the performer acquiesced himself in a very remarkable manner up to the time he attempted to "skin the cat" in mid-air, when he lost his hold and fell to the ground with the above result. The incident disappeared in great confusion and excitement. The wounded performer was taken to the paternal cabin near by, where the limb was bandaged.

DR. HARTER'S PURIFIED BLOOD

DR. HARTER'S IRON TONIC is a preparation of Protosin of Iron, Purified Blood and the plates, associated with the Vegetable Aromatic, Endorsed by the Medical Profession, and recommended by them for Dyspepsia, General Debility, Female Diseases, Warts of the Face, Nervous Prostration, Convalescence from Fevers and Chronic Chills and Fever. It serves every purpose where a Tonic is necessary.

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Will sell and LOCATE LAND SCHEM at the lowest market rates, and will render property for assessment, PAY TAXES, furnish reliable abstracts of titles, and do everything pertaining to a first-class land business.

Plans of every description copies up in the most artistic style, on short notice and at reasonable rates.

Correct County Land Maps of Dallas, Ellis, Denton, Collin, Grayson, Kaufman, Rockwall, Johnson and Tarrant, for sale at \$2.50, sent by mail on receipt of the money. Also correct maps of the city of Dallas at \$1 and \$2.50.

G. C. CIV - the Best of References.

C. S. MITCHELL. J. C. SCRUGGS.

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Shaffling, Gearing, Pulleys, Belting, &c.
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Harvesters and Binders.
Cotton and Corn Planters.
Nichols, Shepherd & Co's Vibrator Threshing Machines.

Gullott, Brown & Winchup Cotton Gins, Feeders and Condensers.
Brooks, Winslow & Gullott's Cotton Presses.
Kentucky Seed Drills.
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C. S. MITCHELL & CO., Managers for Texas.

Popular monthly drawing of the Commonwealth Insurance Co.,

29th.

Popular monthly drawing of the Commonwealth Insurance Co.,

At Macaulay's Theatre in the City of Louisville.

MONDAY, FEBRUARY 28, 1880.

These drawings occur monthly (Sundays) excepted under provision of an act of the General Assembly of Kentucky. According to the Newport printing and Newspaper Co., approved April 19, 1875, and has never been repealed.

The United States circuit court, on March 11, rendered the following decision:

1st.—That the Commonwealth Insurance Co. is legal.

2d.—Its drawings are fair.

The company has now on hand a large reserve fund. Read the list of prizes for the

FEBRUARY DRAWING

1 Prize	\$10,000
1 Prize	\$5,000
1 Prize	\$2,500
1 Prize	\$1,000
1 Prize	\$500
1 Prize	\$250
1 Prize	\$100
1 Prize	\$50
1 Prize	\$25
1 Prize	\$10
1 Prize	\$5
1 Prize	\$2
1 Prize	\$1
1 Prize	\$0.50
1 Prize	\$0.25
1 Prize	\$0.10
1 Prize	\$0.05
1 Prize	\$0.02
1 Prize	\$0.01

Prizes \$200 each, Approximation \$100.

Prizes \$100 each, Approximation \$50.

Prizes \$50 each, Approximation \$25.

Prizes \$25 each, Approximation \$10.

Prizes \$10 each, Approximation \$5.

Prizes \$5 each, Approximation \$2.50.

Prizes \$2.50 each, Approximation \$1.25.

Prizes \$1.25 each, Approximation \$0.625.

Prizes \$0.625 each, Approximation \$0.3125.

Prizes \$0.3125 each, Approximation \$0.15625.

Prizes \$0.15625 each, Approximation \$0.078125.

Prizes \$0.078125 each, Approximation \$0.0390625.

Prizes \$0.0390625 each, Approximation \$0.01953125.

Prizes \$0.01953125 each, Approximation \$0.009765625.

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